

REMARKS

Claims 1-5 are pending in the present application.

Claims 1, 3, 4 and 5 stand rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,019,090 to Pinchuk; and claim 2 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Pinchuk in view of U.S. Patent No. 4,937,323 to Silver et al.

Applicants traverse these rejections for the following reasons.

The present invention provides a surgical implant comprising a biodegradable material, where the material is internally reinforced in a longitudinal direction. Neither Pinchuk nor Pinchuk in combination with Silver et al. teach or suggest this feature of the present invention.

The Examiner cites Pinchuk as disclosing a surgical implant formed from a biodegradable material that is reinforced in a longitudinal direction. However, Applicants can find no such teaching or disclosure in the reference. Furthermore, the Examiner has neglected to cite specifically wherein the reference such a disclosure may be found.^{1 2} Therefore, Applicants submit that Pinchuk does not disclose the claimed surgical implant and request that the rejection be withdrawn.

In addition, the citing of Silver et al. does not supply the missing element to Pinchuk. While Silver et al. is cited as teaching fibrils, it does not teach or suggest a biodegradable material that is reinforced in a longitudinal direction.

¹ Applicants' representative attempted to contact the Examiner on a number of occasions in the hope of clarifying this rejection. However, as the final due date is approaching and a telephone interview was never agreed to by the Examiner, Applicants have decided to submit this response.

² The Examiner does cite to column 7, lines 15+ in the second rejection. However, this section of the reference appears to simply list different materials that may be used to form the surgical implant. It does not however, disclose a material internally reinforced in a longitudinal direction.

Nor does Silver et al. teach "fibers made from biodegradable fibrils" as indicated by the Examiner. See page 3 of the Office Action dated October 10, 2002. Here again the Examiner did not cite to a specific part of the reference and Applicants submit that the structure of the material disclosed in Silver et al. is that of a collagen sponge formed from either flakes or powder. See column 8, lines 3 to 33. Applicants have found no teaching or suggestion of fibrils that internally reinforce the surgical implant as recited in claim 2. Therefore, this rejection should also be withdrawn.

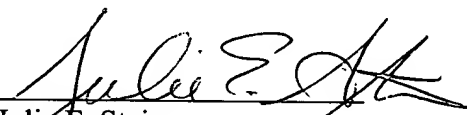
In view of the above, Applicants respectfully submit that the application is in clear condition for allowance and prompt notification thereof is solicited. The Examiner is invited to contact the undersigned at (202) 220-4222 to discuss any matter concerning this application.

The Office is hereby authorized to charge any fees required under 37 C.F.R. " 1.16 or 1.17 or credit any overpayment to Kenyon & Kenyon's Deposit Account No. 11-0600.

Respectfully submitted,

Dated:

3-25-03


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